

Spain

Section 1. Respect for the Integrity of the Person, Including Freedom from:

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence.

Trial Procedures

The constitution and law provide for the right to a fair and public trial, and the judiciary generally enforced this right. Defendants enjoy a presumption of innocence and the right to be informed promptly and in detail of the charges against them. Trials are held without undue delay. There is a nine-person jury system. Defendants have the right to be represented by an attorney of their choice. If the defendant is indigent, the government appoints an attorney. Defendants and their attorneys have adequate time and facilities to prepare a defense, have access to government-held evidence, confront witnesses, and present their witnesses and evidence. They cannot be compelled to testify or confess guilt. They have the right of appeal. These rights apply to all defendants without discrimination.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals or organizations may bring civil lawsuits seeking damages for a human rights violation. The complainant may also pursue an administrative resolution. Persons may appeal court decisions involving alleged violations of the European Convention on Human Rights to the European Court of Human Rights (ECHR) after they exhaust all avenues of appeal in national courts.

Regional Human Rights Courts Decisions

The country is subject to the jurisdiction of the ECHR, and the government generally complied with the court's orders. In March the ECHR ordered the government to compensate Pedro Valera with 13,000 euros (\$17,500) for not giving him the right to a fair trial within a reasonable timeframe. In 1998 a court found Valera guilty of justifying genocide, incitement to hatred, and racial violence, because of books and pamphlets he sold in his bookstore.

In October the ECHR ruled that the country must release and pay 30,000 euros (\$40,500) in compensation to Ines del Rio Prada, a member of Basque Fatherland and Liberty (ETA) convicted of taking part in 24 killings carried out by the Basque

terrorist group. The court ruled that the government violated Del Rio's right to liberty and equality after it used an adjustment to sentencing guidelines that applied reductions to each of her individual sentences rather than against the overall 30-year statutory maximum sentence allowed under the country's law. The government stated it would comply with the ECHR decision, and officials released Del Rio from prison shortly after the ruling. In total, the government released 60 prisoners – 36 of them ETA members – after the ECHR ruling.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, sexual orientation, gender identity, or social status, and the government generally enforced the law effectively.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The lesbian, gay, bisexual, and transgender (LGBT) community was widely accepted throughout the country. Discrimination in employment is banned. The law can consider an anti-LGBT hate element an aggravating circumstance in crimes.

Other Societal Violence or Discrimination

There were no reports of major societal violence or discrimination against persons with HIV/AIDS.

Promotion of Acts of Discrimination

No information in this sub-section. Please see the full country report for more.